

APPEAL NO. 032937
FILED DECEMBER 15, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on October 9, 2003. The hearing officer determined that the respondent (claimant) sustained a compensable repetitive trauma injury on _____, and had disability from April 23, 2003, through the date of the CCH.

The appellant (self-insured) appeals, contending that there was insufficient evidence to establish a repetitive trauma, causation, or how the claimant's injury is not an ordinary disease of life. The claimant responds, urging affirmance.

DECISION

Affirmed.

The claimant, an investigator for one of the self-insured's agencies, asserts a repetitive trauma injury using a laptop computer writing reports. The hearing officer, in his Statement of the Evidence, summarizes the claimant's testimony about the nature and repetitive aspects of the claimant's job and the onset of symptoms. The claimant's treating doctor, in a report dated April 23, 2003, diagnosed bilateral carpal tunnel syndrome (CTS), cervical disfunction and pain, and neuralgia, noted positive Phalen's and Tinel's signs, and ordered EMG/NCV testing, which was positive for CTS. In notes dated May 23, 2003, the doctor concluded that the claimant sustained repetitive injury to both wrists. The self-insured basically contends that there is insufficient probative evidence within reasonable medical probability to show that the laptop computer use caused the claimed injuries and that the claimed injuries are anything other than an ordinary disease of life which does not constitute an occupational disease pursuant to Section 401.011(34).

The claimant had the burden to prove that he sustained a repetitive trauma injury as defined by Section 401.011(36) and that he had disability as defined by Section 401.011(16). Conflicting evidence was presented regarding the amount and frequency of the work activities the claimant alleged caused him to sustain an injury. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, we conclude that the hearing officer's determination that the claimant sustained a compensable repetitive trauma injury is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Because we are affirming the hearing officer's determination on a repetitive trauma injury we also affirm the hearing officer's determination on disability as defined by Section 401.011(16).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **STATE OFFICE OF RISK MANAGEMENT (a self-insured governmental entity)** and the name and address of its registered agent for service of process is

For service in person the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR
STATE OFFICE OF RISK MANAGEMENT
300 W. 15TH STREET
WILLIAM P. CLEMENTS, JR. STATE OFFICE BUILDING, 6TH FLOOR
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For service by mail the address is:

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AUSTIN, TEXAS 78711-3777.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Margaret L. Turner
Appeals Judge